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INTERNATIONAL CONFERENCE ON SAFETY OF LIFE AT SEA

In these days of wars which have engulfed almost all Europe it is a satisfaction to recall that thirteen nations sent their delegates to an international conference relating to safety of life at sea, no longer ago than December, 1913, and that they signed on the 20th of January, 1914, a convention which has been adopted by many of the nations and which was transmitted to the Senate of the United States by the President on the 17th of March. All the resources of human skill and science are now being used to destroy life. It is a pleasure to reflect that man has at one time been engaged in a more humane and, shall we not add, a more Christian undertaking.

The thirteen Powers which joined in this conference are the following: Austria-Hungary, Belgium, Denmark, France, Germany, Great Britain, Italy, Netherlands, Norway, Russia, Spain, Sweden, United States of America. The delegates from Great Britain included delegates from Australia, Canada and New Zealand. Those great trans-oceanic commonwealths are renewing in both hemispheres the glory of the mother country. Their delegates also signed the convention, the conclusions of which were unanimous.

The convention applies to merchant vessels mechanically propelled which carry more than twelve passengers and which proceed from a port of one of the states, which are parties to the convention, to a port situated outside that state or conversely. Ports in the colonies are considered for the purposes of this article to be outside of the states of the high contracting parties. There may be excepted vessels making coastwise voyages not exceeding a distance of more than 200 sea miles from the nearest coast.

The first provision for the safety of navigation is for the destruction of all derelicts in the northern part of the Atlantic Ocean, for an ice patrol and the study and observation of ice conditions. The United States Government is invited to undertake these three services and the contracting parties agree to join in paying the expense. Great Britain is to pay thirty per cent (beside a payment by Canada of two per cent) the United States, France and Germany fifteen per cent each, and the balance by the other Powers in smaller percentages. The United States is invited to devise a means of granting rewards to merchant vessels which have contributed in an effective manner to the destruction of ocean derelicts. Every master who meets with dangerous ice or a dangerous derelict is bound to communicate the fact as soon as possible, and if he have a radio-telegraph installation he is to report it immediately.

The loss of the *Titanic* led the convention to prescribe a new rule for navigation.

> Article 10. When ice is reported on, or near, his course, the master of every vessel is bound to proceed at night at a moderate speed, or to alter his course so as to go well clear of the danger zone.

The conference after great deliberation decided not to fix any steamship routes but to leave this to the responsibility of the steamship companies. It is agreed further that there shall be imposed "on these companies the obligation to give public notice of the regular route which they propose their vessels should follow, and of any changes which they make in them."

The parties further agree "to use their influence to induce the owners of all vessels crossing the Atlantic to follow as far as possible the routes adopted by the principal companies." This system of ocean routes was recommended before the Civil War by Commander Maury of the United States Navy. It was taken up and advocated in 1870 by Thomas H. Ismay, one of the founders of the White Star Line. Experience has shown that the adoption by the principal steamship lines of the routes which he prescribed has been a source of safety. The old practice of setting the course westerly for Cape Race, Newfoundland, which led to so many shipwrecks on that rocky coast, has in the main been abandoned.

In view of the fact that many governments which were not parties to this convention had adopted the international regulations for preventing collisions at sea, and of the importance of uniformity in these regulations, the conference did not undertake to change these rules but it recommended to the governments which were not parties to the convention an agreement to the following changes:

The second white light. Under the original international collision rules the use of any lights for steam vessels, except the one white masthead light, the starboard green light, and the port red light, was prohibited. In the inland waters of the United States however a different rule prevailed. As long ago as the year 1829 the State of New York prescribed for the guidance of vessels upon its inland waters the system of range lights, that is to say, of a fixed white light forward and another aft. Experience showed that a competent navigator by watching the bearing of these two lights and the change in their relative position could determine with much accuracy the course of an approaching vessel. An interesting question came before the Supreme Court of the United States in the year 1893. In this case a sea-going yacht which was equipped with lights and had them set in accordance with the regulations governing sea-going vessels, was proceeding up the Hudson River. The absence of range lights upon this vessel embarrassed an approaching steamer. The captain of this vessel had however, as the court held, sufficient means of observation to determine the true course of the approaching steamer, and the whole blame of the consequent collision was attributed to him.[1] But the result of the decision in this case and of the discussion at the International Conference at Washington in 1889 led the delegates of other nations to perceive the great advantage of the range light system and to recommend its adoption. It was not however made compulsory. The present convention recommends that it shall be compulsory. They also recommend a stern light which was prohibited by the original rules, though they permitted a leading vessel to show a torch or other light to indicate her position to a following ship.

It is then recommended that there shall be a special day signal compulsory for motor vessels and a special sound signal to be used "by a vessel in tow, or if the tow is composed of several vessels, by the last vessel of the tow." The convention further provides that the vessels coming within its scope "shall be sufficiently and efficiently manned." Measures to secure this result are to be taken by the parties.

The fourth chapter of the convention deals with the construction of vessels and with the important subject of openings in watertight bulkheads. These are to be reduced to a minimum. Double bottoms are to be provided in most vessels: "The highest degree of safety corresponds with the vessels of greatest length primarily engaged in the transportation of passengers." It is interesting to note that in the schedules and regulations annexed to the convention vessels 1030 feet in length are provided for. Such was the care of the convention with reference to perfecting the construction of ships that all the parties agreed to cause the study of "the criterion of service" to be prosecuted by each. The results are to be communicated to the British Government, which is to undertake the task of circulating the information.

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[1] Belden *v.* Chase, 150 U. S. 674.

Chapter V requires all merchant vessels belonging to any of the contracting states, whether they are propelled by machinery or sails, and whether they carry passengers or not, "to be fitted with a radiotelegraph installation if they have on board fifty or more persons in all." Vessels on short voyages or on which there is a temporary increase in number of persons on board may be excepted.

Article 35 provides: "The radiotelegraph installations required by Article 31 above shall be capable of transmitting clearly perceptible signals from ship to ship over a range of at least 100 sea miles by day under normal conditions and circumstances." Vessels having these installations are required to be fitted with an emergency installation which must be placed in its entirety in the upper part of the vessels as high as practically possible, and this must include "an independent source of energy capable of being put into operation rapidly and of working for at least six hours with a minimum range of 80 sea miles for vessels in the first class and 50 sea miles for vessels in the two other classes."

Article 37 requires every master of a vessel who receives a call for assistance from a vessel in distress to proceed to the assistance of the persons in distress. The master of the vessel in distress may requisition from among those that answer his call for assistance the vessels which he considers best able to render assistance. This he must do after consultation as far as may be possible with the masters of those vessels.

Chapter VI contains ample provision for life-saving appliances and fire protection. The fundamental principle is stated in Article 40 as follows: "At no moment of its voyage may a vessel have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and the pontoon life rafts on board."

Article 42 is important. "Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment."

Article 53 contains a provision for the installation of electric or other system of lighting sufficient for all requirements of safety. "On new vessels there must be a self-contained source capable of supplying, when necessary, this safety lighting system, and placed in the upper parts of the vessel, as high as practically possible." This latter clause is especially important in view of the practice which has become common of lighting vessels from dynamos propelled by the main source of power. Before this method was adopted, every vessel had a source of lighting independent of the main power. In many steamers in which the side lights and the masthead lights are electric, provision is now made for the immediate installation of oil lights in case the electrical apparatus is out of order. The convention extends this principle to the lighting of the whole ship. It is so common in cases of collision to find that the main source of power on the vessel is put out of commission that this new requirement is one of the most important in the whole convention.

Another new provision is contained in Article 54. "There must be, for each boat or raft required, a minimum number of certificated lifeboat men." Provision is made for the examination of these men. This rule is a substitute for that recommended by the International Seamen's Union of America. This Union is seeking to establish a requirement for a certain number of able-bodied seamen. It would seem perfectly clear that for the purpose of handling the lifeboats or life-rafts skill in boating is the essential. A man might be a good seaman and yet not be skillful in handling boats. On the other hand a man might be very skillful in the latter who was not an experienced seaman. There seems no good reason for confusing two objects which in their nature are distinct.

Article 55 contains the following important provision.

> The carriage, either as cargo or ballast, of goods which by reason of their nature, quantity, or mode of stowage, are, either singly or collec-

tively, likely to endanger the lives of the passengers or the safety of the vessel, is forbidden.

Chapter VII provides for safety certificates to be issued by each government which is a party to the convention for its own vessels, to be guaranteed by it, and to be recognized as valid by the other nations which are parties to the convention. On this subject there was much debate in the conference. Germany and France have always insisted upon the doctrine that a vessel is part of the territory of the nation to which it belongs and that it is not subject even in the port of another nation to the jurisdiction of the latter. The compromise finally agreed to by all parties is stated in Article 61.

> Every vessel holding a safety certificate issued by the officers of the contracting state to which it belongs, or by persons duly authorized by that state, is subject in the ports of the other contracting states to control by officers duly authorized by their governments in so far as this control is directed towards verifying that there is on board a valid safety certificate, and, if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate; that is to say, so that the vessel can proceed to sea without danger to the passengers and the crew.

This latter article also is criticized severely by the International Seamen's Union of America, but, as we think, with little reason. It is impossible to suppose that all other nations should yield their own judgment in regard to vessels to the autocracy of the United States of America. The very object of this convention is to obtain substantial uniformity. It is in the public interest that this uniformity should exist. The convention has gone in this respect as far as the different nations would agree, and we think it unfortunate that there should be opposition to the adoption of so beneficial a convention which is on the whole a great advance, because of its failure to subject all vessels coming to the ports of the United States to the requirements of the peculiar laws of the latter country.

It is interesting to notice in the regulations appended to the convention the adoption of Greenwich mean time as the time to be used in radio-telegrams; and the adoption of the decimal system of measurement for the expression of the barometer in radio-telegrams. A table is appended giving the equivalent in inches.

In the safety signals provided for, the Morse code of dots and dashes is recognized and adopted. The great patent lawyer, Edward N. Dickerson, always maintained that this Morse code was all that S. F. B. Morse invented and that the rest of his telegraphic apparatus was the adoption of methods which were well known. In this he was hardly just. It is true that he used an electro magnet which Professor Henry had invented, and that the various parts of his apparatus had been used before. The merit of Morse was in putting them together in what was in its time an effective telegraphic instrument, and which was, for practical purposes, the first effective telegraphic instrument. But whether or not we agree with Mr. Dickerson in this respect, it cannot be denied that the Morse alphabet was an invention of great utility. Nothing shows this more clearly than its universal adoption.

In the schedules annexed to the convention detailed requirements are specified for the construction of fire-proof and water-proof bulkheads, for openings in the bulkheads and openings in the vessels sides. All doors in bulkheads are to be opened from the bridge, but must also be operated by hand at the door itself. The side scuttles and cargo ports must "be closed watertight and locked before the vessel leaves port. They shall not be opened during navigation." Vigilance and accuracy are insured by the requirements of a hose or flooding test for watertight decks and a hose test to watertight trunks. There is to be a drill for the operating of watertight doors, side scuttles, scuppers, ash shoots, etc., before leaving port, and at least once a week during the voyage. "All watertight power doors and hinged doors in main transverse bulkheads in use at sea shall be operated daily."

Article XXII of these regulations provides that "vessels shall have sufficient power for going astern to secure proper control of the vessel in all circumstances." This seems an appropriate place to note one defect in the existing collision rules to which attention is not called in this convention. When these rules were originally made twin screws were unknown, and the framers of the revised rules seem to have overlooked the fact that the course of a twin screw vessel may be changed more quickly by putting one engine full speed ahead and the other full speed astern than in any other way. Every person who is accustomed to row without a rudder is familiar with the analogous method of turning a rowboat. Any person who has sailed through the St. Marys River between Lakes Superior and Huron and watched its narrow and crooked channels, must have noticed how quickly the course of a twin screw steamer can be altered by this simple method. If the captain of the *Empress of Ireland* had adopted this method when the collision was imminent he would have received the blow from the *Storstad* near his bow and while both vessels would have been injured, in all probability neither would have sunk. The bow, in short, is the strongest and least vulnerable part of a steamer. The midship section is the weakest.

In like manner it would have been well if the framers of this convention had drawn attention to the latter fact and had recommended an amendment to the collision rules to the effect that the captain of a steamer carrying passengers should especially avoid exposing his broadside to an approaching vessel. The fatal collision between the *Ville de Havre* and the *Loch Earn* on November 22, 1873, was caused by a neglect of this precaution. The captain of the French vessel underrated the speed of the approaching ship and thought he could cross her bows with safety. She kept her course, as she had a strict right to do, and the result was that the steamer was struck amidship and quickly sank with the loss of almost all on board, including Judge Rufus W. Peckham of the New York Court of Appeals, the father of the late Mr. Justice Peckham of the United States Supreme Court. On the other hand, in the collision in 1875 between the *Harvest Queen* and the *Adriatic*, Captain Jennings of the *Adriatic* pursued the course which we have just recommended. When he perceived from the lights of the approaching ship that there was danger of collision, he manœuvered so as to present his bow constantly to her and in this way met all her changes of course by a corresponding change on his side. The result was that his vessel received a very trifling injury. The ship sank, but it was held in all the federal courts, including the Supreme Court of the United States, that Captain Jennings was right.[2] If the captain of the *Empress of Ireland* had observed this precaution he would have saved his precious freight of passengers. No doubt the general requirements of the existing rules are sufficient to cover both precautions. But it would be worth while to have these two special precautions specified. Captains often neglect the first altogether, and are not as careful as they ought, to observe the second.

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[2] 107 U. S. 512.

Ample provisions are made in Article XL for the equipment of boats and pontoon rafts. It is interesting to notice that each is required to have a vessel containing a gallon of vegetable or animal oil "so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor." It should be noted that Captain Karlowa of the Hamburg American steamer *Palatia*, was one of the first practical seamen to call attention to the great advantage of this method of preventing waves from breaking over a floating object. His little book on the subject is an authority.

Each boat or raft must also be furnished with a watertight receptacle containing two pounds weight of food for each person and a watertight receptacle containing one quart of water for each person. There shall also be provided a number of self-igniting "red lights" and a watertight box of matches. The boats are to accommodate seventy-five per cent of the persons on board and the remainder of the accommodation may be in boats or pontoon rafts. The character of life buoys to be furnished is carefully specified. Each "shall be capable of supporting in fresh water for twenty-four hours" fifteen pounds of iron. This shows the safe margin of buoyancy required to float a man, who in another article is estimated at the average weight of 165 pounds. Luminous life buoys are to be provided "in no case less than six." The lights shall be efficient self-igniting lights which cannot be extinguished in water. "The life buoys shall always be capable of being rapidly cast loose, and shall not be permanently secured in any way."

One other point in reference to this convention deserves notice. There is no requirement that the seamen shall all be Caucasians. The matter of the race of the seamen manning vessels is left to the judgment of each nation. This feature of the convention is also criticized by the Seamen's Union. Their aim is to exclude Orientals. The Lascars of British India, and the Chinese and Japanese make good sailors. Why vessels trading to those countries should not be permitted to employ them is hard to say. The convention does require that all persons in the service of the ships shall be able to understand the orders. This in our opinion goes far enough.

No man is obliged to become a sailor. We are not convinced by the arguments of those who criticize the convention in this respect that the native American of to-day will love the sea as his ancestors did. The experience of school ships and naval colleges where every opportunity is afforded for training in practical seamanship shows the contrary. Our public school system tends to train the young American for vocations on land and consequently to discourage the vocation of a seaman. The opposition on this ground to the ratification of the convention shows a narrow spirit of race prejudice, like the selfish spirit shown by the strike of railroad engineers which took place at one time in Georgia in order to prevent the employment of negroes as firemen, but which failed, owing largely to the eloquence and influence of a gallant old Confederate officer, Major J. B. Cummings of Augusta. This spirit of racial prejudice which seems to make men forget that other individuals have rights and which would exclude the native of British India or China or Japan from earning an honest living on the sea is directly opposed to the spirit of Christianity. St. Paul says, "God has made of one blood all nations of men to dwell upon the face of the earth." In the Roman theatre the famous sentence of Terence was applauded: *Homo sum; nullum humanum a me alienum puto.* In our own Declaration of Independence it is declared that all men are "endowed by their Creator with certain inalienable rights. Among these are life, liberty and the pursuit of happiness." There would seem no good reason for an international agreement which would deprive the honest hardworking people of India, China or Japan of the liberty of following the sea or pursuing happiness by earning a living there.

In this connection, special attention should be paid to another argument contained in the protest against the ratification of the convention. The argument referred to favors the abolition of punishment for desertion and calls the obligation of a seaman to serve out his agreed term of service slavery. How it should be slavery to oblige a man who has voluntarily entered into a contract to keep that contract is hard to understand. No one is obliged to be a sailor, but if he choose to follow that calling he certainly ought to do as other men are required to do and keep his contract. So far from perceiving the justice of this, the proponents of the proposition advocate a contrary rule on the ground that a man who has enlisted in a foreign port for a particular term and comes to a port of this country ought to have the right to break his contract and desert in order to get higher wages here. Those who see nothing wrong in this suggestion, may be excused on the ground that class prejudice has beclouded the distinction between right and wrong in matters which concern their class interests. Discipline and loyalty are as important in the merchant marine as in the naval service. A man who promotes desertion in one is as dangerous as he who would promote it in the other. We cannot believe that in the end the Congress of free and united America will be influenced by these selfish arguments. We expect therefore that this convention, which represents the careful study of the best minds of the thirteen nations engaged in the conference, will be ratified by the American Senate.[3]

EVERETT P. WHEELER.

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[3] For a sketch of the history of the international regulation of ocean travel prior to the London Conference, the reader is referred to the author's address on the subject, delivered at the Sixth Annual Meeting of the American Society of International Law, April 25, 1912, Proceedings for that year, page 36.